



INDIAN LAW ENFORCEMENT AND TRUST REFORM

"I want the Agency to be full of optimism about its own future and that of the people it serves. I want the Agency to be prepared to enter the next century with a clear vision of its place in the future of Federal -Tribal relations...My objective is to leave the BIA better than I found it."

Assistant Secretary Kevin Gover

A key principle of the Federal-Tribal relationship is protecting and encouraging Indian self-government. To achieve self-determination, Tribes require a long term Federal commitment and adequate funds to develop self-government, an economic base, and social and educational institutions that enable them to benefit from America's prosperity and preserve their cultural heritage. The 1999 budget request for the Bureau of Indian Affairs is \$1.84 billion, an increase of \$142.1 million above the 1998 enacted level. This budget supports and promotes tribal sovereignty by funding programs of priority concern to Indian country, such as education, school facility construction, law enforcement, natural resources management, and trust systems improvement.

RESPONDING TO A PUBLIC SAFETY CRISIS IN INDIAN COUNTRY

The Administration is proposing a multi-agency initiative to accelerate law enforcement efforts in Indian country. As part of this effort, the Department requests a \$25.0 million increase for BIA's law enforcement programs. The BIA will use these funds to strengthen core law enforcement functions such as increasing the number of criminal investigators and uniformed police, and strengthening basic detention center services.

Overall, this increase will provide 385 additional tribal and BIA law enforcement staff in Indian country

Parallel with Interior efforts, the Department of Justice is requesting a \$51.5 million funding increase for several targeted programs on reservations, such as drug testing and treatment, juvenile justice, and assistance to tribal courts. This funding would be distributed primarily through grants to Indian Tribes. Also, DOJ will redirect \$52.0 million in existing prison construction funding for detention center construction in Indian country, and DOJ will dedicate over \$54.0 million for other law enforcement programs on reservations.

This initiative responds to a severe, long-standing deficiency in the provision of law enforcement service in Indian country that has reached a crisis level. This crisis is evidenced by the homicide rate on Indian lands that has soared by 87 percent in the last five years, even as the homicide rate declined nationwide by 22 percent.

For example, the Navajo Nation endured 46 homicides in 1996, resulting in a rate which would place it among the top 20 most violent cities. Indian lands have only 1.3 police officers per 1,000 citizens, compared with the average of 2.9 per 1,000 in non-Indian areas with similar population density. Many Tribes throughout Indian

I am proud of my Administration's progress in reducing violent crime and improving public safety for our Nation's citizens. Our efforts are making a difference. Nationwide, the violent crime rate has dropped approximately 17 percent since 1992, and the homicide rate has declined about 22 percent. Unfortunately, during the same time period, life has become more violent for the 1.2 million Indian citizens who live on or near reservations. Homicide rates, for example, have increased to levels that often surpass those in large American cities. Numbers alone, however, cannot convey the tragic impact of such violence on Indian families and their communities...This and other information make clear that we need to refocus on this growing problem.

President Bill Clinton

country lack adequate funding to provide a basic level of security in their communities, such as 24 hour police coverage. In addition, many police units on reservations lack the technical and human resources they need to ensure their own safety. Overall, crime has become a serious hindrance to Indian Tribes' efforts to achieve meaningful self-governance and ensure peace and stability in their communities.



TRUST PROGRAMS

Over the last several years, the Department has been working diligently to reform the systems, policies, practices and procedures by which Tribes and individual Indians receive revenue due them from trust lands. The 1999 request fully supports the Administration's three major efforts to reform the management of Indian trust

funds and redress deficiencies of the past.

The Special Trustee for American Indians submitted his Comprehensive Strategic Plan to the Administration and the Congress in April 1997. In August, the Secretary agreed to implement certain aspects of the Special Trustee's plan, namely data cleanup, elimination of trust asset processing backlogs, and revamping trust management systems. These reforms are being implemented in coordination with affected Bureaus under the oversight of the Office of the Special Trustee. Implementation of these reforms is well underway. In January 1998, OST commenced an 18-month contract to standardize and verify the data housed in the current individual Indian money account system and issued a solicitation for a commercial off-the-shelf trust fund accounting system. The 1999 OST request includes increased resources of \$4.4 million for continued implementation of the trust management improvement project. The 1999 BIA request includes an increase of \$5.2 million for elimination of probate and land records processing backlogs.

TRIBAL TRUST FUND SETTLEMENT PROCESS PROPOSAL

In November 1997, the Department submitted to Congress a report detailing its recommendations on settling disputed tribal trust fund accounts. The recommendations lay out a process designed to acknowledge and respect tribal sovereignty by using informal dispute resolution mechanisms as an alternative to costly and protracted litigation. The proposal envisions a two-stage settlement process for resolving disputed tribal trust accounts. First, the Government would offer each Tribe the opportunity to settle claims immediately for a specific sum based on a formula that would take into account the particular circumstances of the Tribe's accounts. In stage two, Tribes who did not accept the settlement offer, could enter into government-to-government non-binding

settlement negotiations with a mediator. The 1999 OST request includes funding necessary to support the first phase of the proposed settlement process. Additionally, an estimated \$20 million in identified errors in tribal trust fund accounts would be payable from the Claims and Judgment Fund.

INDIAN LAND CONSOLIDATION PILOT

The Congress is currently considering the Administration's legislative proposal to reduce fractionated ownership of Indian lands, a root cause of the ownership and accounting deficiencies that have long plagued the management of trust lands. The proposal is designed to address one of the adverse effects of the General Allotment Act of 1887. The GAA divided Indian lands into 40, 80, and 160 acre parcels for individual tribal members and families. Its goal was to assimilate the Indians through private land ownership. As originally envisioned, these parcels would remain Federal trust land for only 25 years and, accordingly, Congress did not amend probate laws. However, Congress extended the period of trust protection. Because trust land is not subject to taxation and the Government bears all the costs of administering the land, there are no economic incentives for the Indian

landowners to prevent fractionation of these lands.

As this allotted land has passed from generation to generation, ownership has often been divided among an increasing numbers of heirs. Today, approximately half of the ownership interests in the 10 million acres of allotted Indian lands the Department manages are 2 percent or less. It is not uncommon for as many as 100 to 300 individuals to hold divided interests in a single allotment. This fractionation is taxing the ability of the Government to administer and maintain records on Indian lands. It is also making it increasingly difficult for the Indian owners to put their lands to productive use.

The 1999 request includes \$10 million to initiate a pilot program on one or more Indian reservations to consolidate fractional interests in Indian land.

In addition to reducing the costs of administering these lands, the program enhances tribal self-governance and tribal sovereignty by returning individual interests in lands to tribal ownership, reversing years of misguided policies aimed at termination and assimilation. Funds will be used to purchase small fractional interests from willing individual Indian landowners; these interests will then be

The following are selected annual performance goals from Interior Bureau performance plans supported by the initiative to Support Strong Tribal Governments and Safe Communities in Indian Country:

BIA 1999 law enforcement goal: In 1999, BIA will increase the number of law enforcement officers by 25 percent.

BIA 1999 trust funds goal: In 1999, BIA will eliminate approximately 20 percent of its probate backlog.

transferred to Tribes.